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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,487	12/14/1999	DORON JUSTER	1018.076US1	3876

23460 7590 06/07/2004	EXAMINER
LEYDIG VOIT & MAYER, LTD	LAFORGIA, CHRISTIAN A
TWO PRUDENTIAL PLAZA, SUITE 4900	

	ART UNIT	PAPER NUMBER
180 NORTH STETSON AVENUE	2131	
CHICAGO, IL 60601-6780		

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 March 2004_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-36_ is/are pending in the application.

     4a) Of the above claim(s) _11-15,17,18,22-25,29,32 and 33_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-10,16,19-21,26-28,30,31 and 34-36_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 22 March 2004 has been entered.

2.   Claims 1-36 are presented for examination.

3.   Claims 11-15, 17, 18, 22-25, 29, 32 and 33 have been cancelled as per Applicant's

request.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-10, 16, 20, 21, 26-28, 30, 31, and 34-36

have been considered but are moot in view of the new ground(s) of rejection.

5.   See further rejections that follow.

Claim Rejections - 35 USC § 103

6.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

7.   Claims 1, 6, 16, 19-21, 26-28, 30, 31, and 34-35 are rejected under 35 U.S.C. 103(a) as

being unpatentable over U.S. 6,141,759 to Braddy, hereinafter Braddy.

8.   As per claim 1, Braddy teaches a computer-implemented method for an on-line server

responsive to a client, the method comprising:

receiving a request from the client, the server being chosen from a list of servers available

to the client (Figures 8a [block 200], 9a [block 242], 10 [block 298]; column 12, lines 8-19;

column 13, lines 61-64);

determining whether the server is inappropriate to fulfill the request based on the client

(Figure 8a [block 208], 8b [block 220]; column 12, lines 21-58; column 12, lines 46-56);

if the server determines that the server is inappropriate to fulfill the request, sending an

error message to the client, the error message identifying the server as being off-line to enable

the client to send the request to a next server on the list of servers (Figures 8c [blocks 230, 232],

11b [block 354], 13 [block 396]; column 13, lines 32-43; column 22, lines 7-9).

9.   Braddy does not teach determining whether the server is inappropriate to fulfill the

request based on the client being a non-delegable client that does not understand a delegation of

the request to another server. It would have been obvious to one of ordinary skill in the art at the

time the invention was made to provide a means to determine whether the client's request could

be passed over to another server or not, since Braddy discusses transferring the client's request to

another server it would only require ordinary skill in the art to make a determination if the client

could handle such a transfer.

10.   As per claim 6, Braddy teaches a machine-readable medium having instructions stored

thereon for execution by a processor of a client to perform a method comprising:

sending a request to a server, the server being chosen from a list of servers available to

the client (Figures 8a [block 200], 9a [block 242], 10 [block 298]; column 12, lines 8-19; column

13, lines 61-64);

receiving a response to the request from the server (Figures 8a [block 200], 9a [block 242], 10 [block 298]; column 12, lines 8-19; column 13, lines 61-64);

upon determining that the response comprises an error message that the server is off-line, even though the server is online, when the server is inappropriate to fulfill the request, automatically repeating the sending of the request to a next server of the list until the error message is not received (Figures 8c [blocks 230, 232], 9b [blocks 268, 272], 11b [block 354], 13 [block 396]; column 13, lines 32-43; column 14, line 66 to column 15, line 22; column 22, lines 7-9).

11.   Braddy does not teach wherein the client is a non-delegable client that does not understand a delegation of the request to another server. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a means to determine whether the client's request could be passed over to another server or not, since Braddy discusses transferring the client's request to another server it would only require ordinary skill in the art to make a determination if the client could handle such a transfer.

12.   As per claim 16, Braddy teaches a client computer comprising:

a communications device (Figure 2 [block 38]; column 2, lines 20-37); and,

a computer program designed to automatically repeat sending a request to a different server of a list of servers via the communications device, the automatic repeat sending is responsive to an off-line error message indicating that a server is offline received from on-line servers that determine that the client computer is incapable of receiving delegated responses to requests (Figure 9b [blocks 268, 272]; column 14, line 66 to column 15, line 22).

13.   Braddy does not teach wherein the client is a non-delegable client that does not understand a delegation of the request to another server. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a means to determine whether the client's request could be passed over to another server or not, since Braddy discusses transferring the client's request to another server it would only require ordinary skill in the art to make a determination if the client could handle such a transfer.

14.   As per claim 19, Braddy teaches a machine-readable medium having instructions stored thereon for execution by a processor of a server to perform a method comprising:

receiving a request from a client (Figures 8a [block 200], 9a [block 242], 10 [block 298]; column 12, lines 8-19; column 13, lines 61-64);

determining whether the server is inappropriate to fulfill the request (Figure 8a [block 208], 8b [block 220]; column 12, lines 21-58; column 12, lines 46-56);

upon determining that the server is inappropriate to fulfill the request due to the client being non-delegable sending an error message to the client that causes the client to forward the request to an alternative server (Figures 8c [blocks 230, 232], 11b [block 354], 13 [block 396]; column 13, lines 32-43; column 22, lines 7-9).

15.   Braddy does not teach determining whether the client is a non-delegable client that does not understand a delegation of the request to another server. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a means to determine whether the client's request could be passed over to another server or not, since Braddy discusses

transferring the client's request to another server it would only require ordinary skill in the art to

make a determination if the client could handle such a transfer.

16.   With regards to claim 20, Braddy teaches the method further comprising:

upon determining that the server is inappropriate to fulfill the request and that the client is

of the type capable of understanding a delegation, delegating the request to another server

(Figure 9b [blocks 268, 272]; column 14, line 66 to column 15, line 22).

17.   Braddy does not teach determining whether the client is of a type capable of

understanding a delegation of the request. It would have been obvious to one of ordinary skill in

the art at the time the invention was made to provide a means to determine whether the client's

request could be passed over to another server or not, since Braddy discusses transferring the

client's request to another server it would only require ordinary skill in the art to make a

determination if the client could handle such a transfer.

18.   Regarding claim 21, Braddy teaches the method further comprising upon determining

that the server is appropriate to fulfill the request, fulfilling the request (Figure 8c [blocks 238,

240], 9a [block 265]; column 13, lines 22-31).

19.   As per claim 26, Braddy teaches a machine-readable medium having instructions stored

thereon for execution by a processor to transform a general purpose computer to a special

purpose computer comprising:

a communication device (Figure 2 [block 38]; column 2, lines 20-37);

means for sending via the communications device an error message that a computer is
off-line in response to a request (Figures 8c [blocks 230, 232], 11b [block 354], 13 [block 396];
column 13, lines 32-43; column 22, lines 7-9).

20.   Braddy does not teach means for sending via the communications device an error
message that a computer is off-line in response to a request from a non-delegable client that does
not understand a delegation of the request to another server when the computer is on-line but is
inappropriate to fulfill the request. It would have been obvious to one of ordinary skill in the art
at the time the invention was made to provide a means to determine whether the client's request
could be passed over to another server or not, since Braddy discusses transferring the client's
request to another server it would only require ordinary skill in the art to make a determination if
the client could handle such a transfer.

21.   Regarding claim 27, Braddy teaches wherein the means is further for delegating the
request to another computer via the communications device in response to a request from a client
of a second predetermined type when the computer is inappropriate to fulfill the request (Figure
9b [blocks 268, 272]; column 14, line 66 to column 15, line 22).

22.   With regards to claim 28, Braddy teaches wherein the means is further for fulfilling the
request when the computer is appropriate to fulfill the request (Figure 8c [blocks 238, 240], 9a
[block 265]; column 13, lines 22-31).

23.   As per claim 30, Braddy teaches a method for a server, the method comprising:

receiving a request from a client (Figures 8a [block 200], 9a [block 242], 10 [block 298];

column 12, lines 8-19; column 13, lines 61-64);

determining whether the request can be fulfilled locally (Figure 8a [block 208], 8b [block

220]; column 12, lines 21-58; column 12, lines 46-56); and

if the request cannot be fulfilled locally, sending an error message indicating that the

server is off-line to enable the non-delegable client to send the request to a next server (Figures

8c [blocks 230, 232], 11b [block 354], 13 [block 396]; column 13, lines 32-43; column 22, lines

7-9).

24.   Braddy does not teach receiving a request from a non-delegable client that does not

understand a delegation of the request to another server. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to provide a means to determine

whether the client's request could be passed over to another server or not, since Braddy discusses

transferring the client's request to another server it would only require ordinary skill in the art to

make a determination if the client could handle such a transfer.

25.   As per claim 31, Braddy teaches a method for enabling non-delegable clients to exist in a

client-server architecture having servers that do not maintain enterprise-wide directory service-

related information, the method comprising:

responding to the client by determining whether the request can be fulfilled (Figure 8a

[block 208], 8b [block 220]; column 12, lines 21-58; column 12, lines 46-56); and

if the request cannot be fulfilled, sending an error message that results in the non-

delegable client determining that the server is unavailable to receive the request (Figures 8c

[blocks 230, 232], 11b [block 354], 13 [block 396]; column 13, lines 32-43; column 22, lines 7-9).

26.   Braddy does not teach providing each of the servers in the client-server architecture with computer-implemented instructions enabling the server to determine of a client from which the server receives a request is a non-delegable client that does not understand a delegation of the request to another server. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a means to determine whether the client's request could be passed over to another server or not, since Braddy discusses transferring the client's request to another server it would only require ordinary skill in the art to make a determination if the client could handle such a transfer.

27.   As per claim 34, Braddy teaches a server computer comprising:

a communications device (Figure 2 [block 38]; column 2, lines 20-37); and,

a computer program with computer-implemented instructions enabling the server computer to perform:

responding to the client by determining whether the request can be fulfilled (Figure 8a [block 208], 8b [block 220]; column 12, lines 21-58; column 12, lines 46-56);

if the request cannot be fulfilled, responding by providing that the communications device send an error message to the non-delegable client that will cause the client to send the request to an alternative server computer (Figures 8c [blocks 230, 232], 11b [block 354], 13 [block 396]; column 13, lines 32-43; column 22, lines 7-9).

28.   Braddy does not teach determining whether a client from which the server receives a

request is a non-delegable client that does not understand a delegation of the request to another

server. It would have been obvious to one of ordinary skill in the art at the time the invention

was made to provide a means to determine whether the client's request could be passed over to

another server or not, since Braddy discusses transferring the client's request to another server it

would only require ordinary skill in the art to make a determination if the client could handle

such a transfer.

29.   Regarding claim 35, Braddy teaches wherein the computer program is further designed to

delegate the request to another server computer via the communications device in response to a

request from a delegable client that understands a delegation of the request to another server

when the server computer is inappropriate to fulfill the request (Figures 8c [blocks 230, 232],

11b [block 354], 13 [block 396]; column 13, lines 32-43; column 22, lines 7-9).

30.   Regarding claim 36, Braddy teaches wherein the computer program is further designed to

fulfill the request when the server computer is appropriate to fulfill the request (Figure 8c [blocks

238, 240], 9a [block 265]; column 13, lines 22-31).

31.   Claims 2, 3, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Braddy in view of United States Patent No. 5,535,322 to Hecht, hereinafter Hecht.

32.   Regarding claim 2 and 7, Braddy does not teach wherein receiving the request from the

client comprises generating the request at a queue manager of the client.

33.   Hecht teaches wherein receiving the request from the client comprises generating the

request at a queue manager of the client (Abstract; Figure 4; column 8, lines 34-54). Therefore,

it would have been obvious to one with ordinary skill in the art at the time the invention was

made to include queue manager of Hecht at the client of Braddy, because it would enable a

quicker and more efficient way to find an appropriate server to service the client's request. One

would be motivated to combine the queue manager at the client of Braddy because it would

assist outgoing and incoming requests without slowing down the system.

34.   With regards to claims 3 and 8, Braddy does not teach wherein receiving the request from

the client receives the request from the queue manager at an application programming interface

(API) of the client.

35.   Hecht teaches wherein receiving the request from the client receives the request from the

queue manager at an application programming interface (API) of the client (Figures 10 & 11;

column 15, lines 33-47). It would have been obvious to one with ordinary skill in the art at the

time the invention was made to include the API of Hecht at the client of Braddy, because it

would enable a quicker and more efficient way to manage the various client's requests. One

would be motivated to combine the APIs of Hecht at the client of Braddy because they offer an

interface to better manage incoming and outgoing requests, instead of having the system manage

the requests in the background.

36.   Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braddy in

view of Hecht as applied to claim 3 above, and further in view of U.S. Patent No. 5,884,301 to

Takano, hereinafter Takano.

37.   Concerning claims 4 and 9, neither Braddy nor Hecht disclose wherein the request from

the client is received from the API at a component of the client that maintains the list of servers.

38.   Takano teaches wherein the request from the client is received from the API at a

component of the client that maintains the list of servers (Figures 2, 3, 4, & 5; column 4, lines 1-

10; column 4, line 65 to column 5, line 5). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to combine the delegation means of Takano at the

client of Braddy and Hecht, because it would enable a quicker means to resolve which server

should respond to the client's request. One would be motivated to combine the delegation of

Takano with the current system because it encourages the servers to communicate and be

knowledgeable of the servers around them.

39.   Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braddy

as applied to claim 1 above, and further in view of U.S. Patent No. 5,617,570 to Russell et al.,

hereinafter Russell.

40.   Regarding claims 5 and 10, Braddy does not teach wherein sending the request from the

client further comprises sending the request using a remote procedure call of the client.

41.   Russell teaches wherein sending the request from the client further comprises sending the

request using a remote procedure call of the client (Abstract; column 3, lines 53-65). It would

have been obvious to one with ordinary skill in the art at the time the invention was made to

include the remote procedure calls of Russell at the client of Braddy because it would enable a

quicker and more efficient way for client's requests to be passed off to the appropriate server.

Conclusion

42.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

43.   The following patents are cited to further show the state of the art with respect to servers

providing error messages, such as:

United States Patent No. 5,903,882 to Asay et al., which is cited to show reliance server

for electronic transaction system.

United States Patent No. 6,671,259 to He et al., which is cited to show wide area network

load balancing.

United States Patent No. 6,304,967 to Braddy, which is cited to show distributing,

monitoring, and managing information requests on a computer network.

United States Patent No. 6,510,466 to Cox et al., which is cited to show centralized

management of application programs on a network.

44.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christian La Forgia whose telephone number is (703) 305-7704.

The examiner can normally be reached on Monday thru Thursday 7-5.

45.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

46.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christian LaForgia
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clf

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